

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

ANDREW L. HOLLOWAY,

Plaintiff,

v.

ACTION NO. 4:04cv35

JO ANNE BARNHART,
Commissioner of Social Security,

Defendant.

FINAL ORDER

Plaintiff brought this action under 42 U.S.C. § 405(g) seeking judicial review of the decision of the Secretary of Health and Human Services denying plaintiff's claim for disability insurance benefits under the Social Security Act.

The matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and the Local Rules of the United States District Court for the Eastern District of Virginia, for report and recommendation. Report of the magistrate judge was filed on August 8, 2005, recommending that plaintiff's motion for summary judgment be denied and defendant's motion for summary judgment be granted. By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the magistrate judge. On August 19, 2005, the court filed Plaintiff's Objections to Magistrate Judge's Report and Recommendation.

The court, having examined the objections to the Magistrate Judge's Report and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report of the United States Magistrate Judge filed August 8, 2005. Accordingly, plaintiff's motion for summary judgment is DENIED and defendant's motion for summary judgment is GRANTED.

The Clerk shall forward a copy of this Final Order to counsel for the parties.

/s/Rebecca Beach Smith

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

September 6, 2005